

DEMOCRATS NAME BARTLETT AND ELKUS

Turn Down Werner and Hiscock
for Places on Court of Ap-
peals Bench.

TAMMANY HEADS CONTROL

Listen to Non-Partisan Pleas by
Parker and Fox, but
Vote Straight.

The Democratic nominees for the Court of Appeals are:

For Chief Judge—Willard Bartlett of Kings county, now an Associate Judge on the Court of Appeals, in place of Edgar M. Cullen.

For Associate Judge—Abram L. Elkus of New York county, in place of John Clinton Gray.

There were only two or three tremors to jar the perfect working of the machinery which operated through the Democratic State committee to make these nominations.

The chief disturbance was produced by Alton B. Parker, who retired from the Chief Judgeship of the Court of Appeals to take the Democratic nomination for President in 1904, and Austin G. Fox.

They appeared before the committee at the Hotel Knickerbocker to urge the nomination of William E. Werner of Rochester for Chief Judge, and Frank H. Hiscock of Syracuse for Associate Judge.

Judge Parker and Mr. Fox are opposing counsel in the Sulzer impeachment trial, and both Judge Werner and Judge Hiscock are sitting as members of the High Court of Impeachment. They are Republican nominees.

Judge Parker and Mr. Fox, representing the Bar Association and some forty other associations of lawyers throughout the State, argued for the movement of the Republican candidates on the ground of non-partisanship in the judiciary.

But their pleas produced little or no effect. Mr. Fox recognized the hopelessness of his cause while he was addressing the Democrats. He wound up his remarks with these words:

"I thank you for your attention, because I know whatever I have said is entirely futile."

Seabury Not Mentioned.

The committee chose Judge Bartlett, 25, 18, 5 for Judge Werner, and Elkus, 27, 1, 4 for Judge Hiscock. Justice Samuel Seabury, who got the Progressive nomination at Rochester and who had the backing of a number of influential Democrats in New York, including Edward E. McCall, was not even mentioned.

Not were Justice Samuel Greenbaum and Justice M. Warley Platzek, both of whom were regarded as possibilities, referred to in any way.

The session of the State committee was set for 1 o'clock. It was well after 1 o'clock before the committee got under way. The interval was consumed in discussions by the leaders while the rank and file of the committee smoked cigars in the ante-room.

Once in a while the up-state men were sent for and vanished for a confidential chat with the leaders.

Charles F. Murphy held court in the room upstairs. With him from time to time were Thomas F. Foley, leader of the Second Assembly district and a power in Tammany Hall, and second to Murphy himself, State Senator James A. Foley, Congressman John J. Fitzgerald of Brooklyn, Robert F. Wagner, president of the State Senate, Norman E. Mack, Democratic National Committee man from this State, and John H. McCue, Democratic leader in Brooklyn.

Was All Well Ignored.

By the time George M. Palmer, State chairman, entered the committee, to order the plans were well laid. Mr. Palmer told the committee that they would have to finish their work in a hurry because the nominations they were to make would have to be filed with the Secretary of State in Albany last night.

The calling of the roll showed that there was at least one man in this State who did not know Big Tom Foley's middle name.

"Thomas B. Foley," called John A. Mason, secretary of the committee.

Tom Foley didn't appear to hear.

"Thomas B. Foley," said Mr. Mason again.

A look of childish wonder overcame Foley's face, and then in a modest voice he said "Thomas B. is my name."

When the list subsided and the roll was finished Thomas F. McAvoy moved that State Senator John C. Fitzgerald, leader of Big Tim Sullivan's district, take the place of the late John T. Oakley as representative of the Twelfth Senate district on the State committee.

Senator Fitzgerald got the place.

Then Mr. Palmer rose from his chair on the platform to tell the committee that they had some visitors.

Mr. Alton B. Parker, who held the distinguished place at the head of the column, to which we are nominating candidates to-day, and Mr. Austin G. Fox, who will speak to us."

The gravity of the Democrats was upset again, for Austin G. Fox had been waiting around waiting for the session to begin, and many of the committee had shaken hands with him.

"What is it?" asked Mr. Palmer to the secretary, and then in a loud voice he corrected himself—"Mr. Austin G. Fox will speak to us."

Parker Pleads for Werner.

Judge Parker got up to say that forty bar associations in this State, representing thirty-eight counties, had sent representatives to a meeting at Albany, and that a committee of sixty-six members had been formed to canvass the opinion of lawyers.

The Judge said that the principle of non-partisanship had been accepted in political conventions, but that through the process of selecting members of the court the Republicans had been reduced to a single Judge, William E. Werner.

"The fact that there are six Democrats to one Republican is not in reality of the slightest consequence," he said, "because no decisions of that court are based upon politics. But it is of vast importance that if the court speaks its judgment shall be taken as unbiased. Therefore, the conclusion is that the parties should be balanced as equally as possible."

Judge Parker said that William E. Werner was the unanimous choice of the committee for Chief Judge, and he had come to ask the Democrats to nominate him.

Judge Parker concluded his speech with out so much as the first sign of applause from the committee. Then Mr. Fox got up to make a similar plea for Judge Hiscock, though he did not mention his name. He said he came not as an individual—and he couldn't understand why the Democrats should listen to him if he only represented himself—but as a spokesman for the non-partisan bar associations of the State.

Refers to Sulzer Trial.

"I may refer by way of illustration," said Mr. Fox, "to the question of trial which is going forward at Albany. After the last session the lawyers on both sides agreed that the two Judges of the Court of Appeals should be selected. But when the case came to a trial it was of the first importance, and if the lawyers agree that two Judges sitting in the trial should be retained their judgment is very convincing."

Then Mr. Fox made his closing remark

that he believed his talk to be "entirely futile."

James D. Bell of Brooklyn nominated Judge Bartlett and Thomas J. Cummings of Dunkirk seconded the nomination. They said that Judge Bartlett's record proved that he would be a competent successor to Edgar M. Cullen, at present Chief Judge.

Henry P. Burgard of Buffalo nominated Judge Werner. He said that the Democrats of Erie county have always believed in non-partisanship in the judiciary, and that in the coming election for the first time in forty years the Democrats are likely to elect a Justice of the Supreme Court. They have made a compact with the Progressives on Herbert P. Bissell.

"To be consistent I want to place Judge Werner in nomination," he said.

Only Three for Werner.

When the vote was taken all the committeemen except Burgard, Charles Rattigan of Auburn and Henry P. Keith of Hempstead, L. I., voted for Judge Bartlett.

Jacob Marks, who held a proxy for Bart Dunn of the Sixteenth Senate district in New York, nominated Mr. Elkus and James Parsons, proxy for James E. Schwarzenbach of Hortell and R. Burnham Moffatt of New York seconded the nomination.

Mr. Burgard nominated Judge Hiscock, giving the same reasons as he advanced in the case of Judge Werner. Henry P. Keith also spoke in Judge Hiscock's favor. Charles F. Rattigan, Thomas Mott O'Brien's personal representative, and Daniel J. Dugan, an anti-McCabe man in Albany, joined them to make a total of four insurgents.

John H. McCue offered a resolution congratulating President Wilson, Mr. Underwood and others of the Administration on the passage of the tariff bill. It was adopted without a murmur.

LEAGUE NAMES BARTLETT.

Puts a Foot into Each Camp by Also Taking Hiscock, Republican.

The Independence League State committee, meeting yesterday afternoon at Arlington Hall, went to the Democrats and the Republicans for their candidates for the Court of Appeals. They nominated Willard Bartlett, whom the Democrats had named an hour previously, for Chief Judge, and took Judge Frank H. Hiscock, Republican nominee, for Associate Judge.

While the preliminary discussion on candidates was going forward at the Hotel Knickerbocker, Independence Leaguers appeared there to find out what the Democrats were going to do. When they were satisfied that Judge Bartlett was the man for Chief Judge they went back to Arlington Hall and his nomination was carried through without a murmur.

H. R. Lomburg was in charge of the meeting in the absence of John J. Hopewell, chairman of the State committee.

Mr. Hopewell has taken part in Independence League politics since the county committee threw him out as chairman. He sent in his resignation as head of the State committee, but no action was taken upon it yesterday.

H. S. Meyer nominated Judge Bartlett and Benjamin Reass nominated Judge Hiscock. Justice Samuel Seabury, Progressive candidate for Associate Judge, was named also, but he got little support.

Justice Seabury was elected to the Supreme Court of this department with Independence League help, but latterly he has not been friendly with William R. Hearst.

BARTLETT LONG ON BENCH.

Abram L. Elkus Was Counsel to Factory Investigation Committee.

If Willard Bartlett is elected Chief Judge of the Court of Appeals he will take office almost precisely eight years from the time when George Higgins resigned his office as Associate Judge of that court.

He was born in Exbridge, Mass., on October 14, 1846. He will reach the age of retirement from the Court of Appeals in 1916. He studied law at New York University and received his collegiate training at Columbia, where he was graduated in 1872. From that year until 1883 and practiced law with Ellis Root.

He severed the partnership to become a Supreme Court Judge in Brooklyn, where he served until he was designated to the Court of Appeals on January 3, 1906. For ten years prior to his advancement to the Court of Appeals he served on the Appellate Division in Brooklyn. He was regularly elected to the Court of Appeals in 1907.

When Judge Bartlett was a young lawyer he acted for two years as dramatic secretary of the S. S. from 1871 to 1873. His long service on the bench has been regarded by Judges and litigants as of the highest distinction.

Abram L. Elkus's most recent service to the State was as counsel to the State Factory Investigating Commission, which reported on workshop conditions throughout the State and recommended thirty-five bills to the Legislature covering fire hazards, the education of child labor, and other work for women and other amuses.

Mr. Elkus was born in New York on August 6, 1867. He studied at the College of the City of New York and at Columbia University. He is now the head of the firm of Elkus, Gleason & Proskauer, 416 has been counsel for the Merchants Association and is vice-president of the Hebrew Technical School for Girls. He was one of the few New York members of the Democratic national convention at Baltimore who voted from the beginning for the nomination of Woodrow Wilson.

MRS. FISH PLANS GIRLS' CLUB.

Room for Bath Attendants Being Furnished by Subscription.

Hot Springs, Va., Oct. 4.—Mrs. Stevenson Fish, who is taking the cure at Hot Springs, is interesting herself in organizing a recreation club among the bath attendants to be called "The Virginia Girls' Club," and other society women here for the baths are taking a keen interest in the idea.

Besides a subscription from Mrs. Fish funds have been received from Mrs. M. H. Alexander and Mrs. Robert Waller, of New York, and George H. Byman, of Boston, and a clubroom is being selected and will contain books, music and comfortable furniture.

A heavy arrival list this morning added to the crowd at the Homestead, and visitors have been amusing themselves with golf, tennis, riding, driving and bridge. On the lawn this afternoon a large gallery watched some spirited sets of tennis between Miss Julia Robbins and Fred Inman and Benjamin Thaw and Curtis Mott.

George W. Elkins, who arrived from Philadelphia to-day, has entered for next week's golf tournament, as have Benjamin Thaw of the Homestead, and Charles A. Inman, Rockaway Hunt, Truman H. Newberry, Detroit Country, W. Barton French, Carlton Club, London; Bedell Harned, Sleepy Hollow; and E. G. Smink, Berkshire Country Club.

Vincent B. Hubbell of New York gave a dinner to-night at Passifera Farm for eleven friends. Schepers's orchestra furnished music for dancing afterward, and the party went and returned in automobiles. Mr. and Mrs. E. W. Hunt of New York gave a luncheon at the farm.

Mr. and Mrs. Harry Walker of Pittsburgh, and Mr. and Mrs. John H. Tanager of New York, were at another bridge table and at the various tea tables at the tea hour were Mrs. John Scott Browning, Mr. and Mrs. John C. Tappan, Mr. Louis Delaford, Frederick Eddy, Dr. and Mrs. A. W. Bidelle, and Miss Christine Biddle, Mr. and Mrs. George L. Borneke, Mr. and Mrs. J. Copley Thaw, Magistrate Peter T. Harvey, Mr. and Mrs. Stevenson Fish, Mr. and Mrs. Oscar L. Richards, Mr. and Mrs. Henry Hadden, Mr. and Mrs. H. C. Emmet, Mr. and Mrs. E. E. Haig.

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LAUDS SUFFRAGISTS HERE

Sees Advantage to U. S. Indus-
tries in New Tariff—Talks
of Golf as Cure.

Lord Northcliffe, probably the most cele-
brated newspaper man in the world, ar-
rived here yesterday from Chicago. He
is stopping at the Hotel St. Regis and
will be there until Wednesday, when he
sails for England. He came to America
to visit his model city at Grand Falls,
Newfoundland, where he operates the
paper mills that supply his newspapers.

He avoided interviews and talked with
only one or two with whom appointments
had been made by telegram. He selected
his own topics and practically wrote out
his own interview.

The owner or controller of the London
Times, Daily Mail, Daily Mirror and more
than sixty other newspapers and period-
icals is a man of 45, of medium
height, of smooth face, clear complexion,
chestnut hair and very keen blue eyes.
He speaks incisively. People who talk
with him understand pretty quickly that
he knows his time is valuable and that
he has little patience with persons who
are merely conversational dawdlers.

Lord Northcliffe got here about noon
yesterday and went straight to the St.
Regis, where he always stops while in
this city. Toward the middle of the after-
noon he went with his secretary, Mr.
Wakenfield, on a long walk. Herman
Ridder and other visitors engaged the
rest of the afternoon. At night Lord
Northcliffe saw "Within the Law" at the
Edwin Theatre.

The question of suffrage for women in-
terests him, but he confessed to being
rather tired of the militants. Talking to
one reporter yesterday Lord Northcliffe
said it would be a sensible thing if the
English suffrage advocates adopted the
tactics of their American sisters.

"The women in America use good looks
and good manners to further their cause,"
said Lord Northcliffe.

"I am rather surprised at the interest
American take in the rather worn-out
question of the militant and violent
women vote hunters in England. It is
pretty well understood with us that their
suffragette efforts are dangerous tricks
have put back any chance of votes for
women in England indefinitely.

"The average Englishwoman is sensible
and perfectly sane. She may or she may
not desire a vote, but she detests the
tricks of the striking sisters, and as a
sign of her disapproval has cut off the
supplies, with the result that Uncle
Sam's generous offers are about to be
rejected. Don't be nervous when I use
the word 'attacked.' I imagine the mil-
litant ladies who are coming here have
left the bombs, hatchets and corrosive
acids in London, and please don't sug-
gest that I impute any mercenary motives
to these ladies who are coming."

"I have my own ideas as to the men em-
ployed in the damage business at home,
but the women, I am sure, are free from
any suggestion of pecuniary selfishness."

But, speaking of the mere man, I am
sure that the American ladies are much
wiser in their way of trying to get the
vote. They employ good looks and good
manners, whereas ours adopt an entirely
opposite policy."

Lord Northcliffe avoided a discussion of
President Wilson's Administration and of
Secretary of State Bryan. He believed
that the new tariff would tend to make
Americans more cosmopolitan.

"I believe that it must have that effect
as to whether it is a good thing for Eng-
land or not it is difficult to say. We are
undergoing an immense, a wonderful
period of prosperity in the old country.
When you shut us out of this country we
went all over the world making new mar-
kets, and as a result our wooden mills
and our cotton mills have orders in hand
for the next three years, our shipbuilding
yards for the next five years."

His impression is that this tariff
change may place you on somewhat of an
equality with Great Britain as a manu-
facturing export nation, which you are
not at present to the same extent that we
are."

Lord Northcliffe is an enthusiastic
golfer. He likes to talk about the ancient
and royal game.

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Did Not "Die Together."

Words in Joint Will Give Woman's
\$12,300 Legacy to the State.

In deciding yesterday that the \$12,300
estate of Robert H. Mathewson must go
to the State Surrogate Ketcham in Brook-
lyn said: "It is a misfortune to be de-
plored, but that disposition must be made
in the decree."

Mathewson and his wife on the eve of
their departure for Europe executed a
joint will on April 27, 1906. It provided
that if he should die first his widow
should receive the estate and that if she
should die first he should get the prop-
erty. The only remaining provision was
that if they should die together the es-
tate was to go to John Klingard, a nephew,
and his wife, Minnie. Klingard died in
1904. Mrs. Mathewson died in the follow-
ing year and her husband died in 1908.

Mrs. Klingard had the will admitted to
probate and was appointed administra-
trix. Finding that she could not turn
over the property to herself she started
an action in the Surrogate's Court, mak-
ing the State a party to it. Surrogate
Ketcham says that the provision making
the Klingards the heirs to the property is
invalid as Mathewson and his wife did
not die at the same time, he surviving
her for nearly two years. His repeated
statements that he had left all his prop-
erty to Mrs. Klingard, the Surrogate holds,
cannot control the reading of the will.

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Thaw of the Homestead, and Charles A.
Inman, Rockaway Hunt, Truman H. New-
berry, Detroit Country, W. Barton French,
Carlton Club, London; Bedell Harned,
Sleepy Hollow; and E. G. Smink, Berk-
shire Country Club.